

REMARKS

In confirmation of the election made by Applicant previously, Claims 1-11 have been canceled. Certain of those claims have been transferred to continuation-in-part patent application Serial No. 10/829,174 filed 04/22/2004, which is directed primarily to a condiment dispenser.

The remaining claims have been amended and reduced in number to facilitate further examination. Thus, the remaining claims are Claims 12-14 and 16-22.

The remaining claims are directed primarily to the unique feature of the invention permitting simplified stacking of carousels to operate in tandem, and a simplified carousel construction resulting therefrom.

Claims 21 and 22 are directed to the method of using this feature.

The rejection of Claims 12-16, 19 and 20 as being anticipated by U.S. Patent 6,591,993 to Humphrey is respectfully traversed. The claims are directed to a condiment dispensing container carousel which is easily convertible from a stand-alone carousel unit to stacked units which operate in tandem.

The type of condiment container carousel of which the invention is an improvement is shown in U.S. Patent 6,182,839 (copy enclosed) and in the "Handy Spice" brochure (copy

enclosed), both of which are cited in the Information Disclosure Statement.

The '839 patent shows a carousel which has been and is being marketed successfully by the Assignee of this patent application, Robbins Industries, Inc. The "Handy Spice" unit is an imitation of the unit shown in the '839 patent, and, it is believed, is no longer sold. Both are designed to hold condiment dispensing containers of a triangular cross-sectional shape which dispense predetermined amounts of spices through bottom outlet openings. The construction of the carousel is such that the condiment dispensers are secured on a rotary structure which rotates to bring a selected container within easy grasp so that it can be removed for dispensing the condiments inside.

The '839 patent device has receptacles on a low platform which is rotatably mounted on a base together with a locking structure, to hold the dispensers in place.

The "Handy Spice" unit has a rotary bearing structure at the top of a central post with outwardly-extending arms which fit into recesses in the sides of the containers and hold the containers for rotation about the base and the post.

The Humphrey reference is not directed to such a condiment container carousel; it is specified for use in displaying lamp shades in a store.

Although the original claims specify "a condiment dispenser carousel", the Examiner was unwilling to consider this as a suitable limitation in the claims. The language of Claim 12, the only remaining independent apparatus claim, has been amended to recite this feature in more definite terms.

Claim 12 also recites that the condiment dispenser holding structure is mounted adjacent to the upper end of the central projection so as to rotate relative to both the base member and the central projection. This is different from the Humphrey structure, in which both the article support surfaces and the central projections rotate together and both structures rotate on a rotary base support member 14 (see Figure 7).

Claim 12 also has been amended to recite that the locking structure includes a first locking element on the base member and a mating second locking element on the central projection with the first and second locking elements being shaped to lock together and unlock from one another in response to manual movement of the projection and the base member relative to one another. This language covers the easy manual operation of simply inserting the bottom ring 24 (see Figure 3) of the central projection into the receptacle 22 and engaging the tabs 25 with the slots 27 to fasten the projection in place in the base without the use of any tools.

This is in stark contrast to the structure shown in the Humphrey patent in which the wire cage 31 serving as a

central projection must be mounted with threaded fasteners including nuts 38, which obviously require the use of tools and quite a bit of time in order to secure a substantial number of nuts to the ends of rods, or to loosen them to separate the parts.

The construction recited in the claims is highly advantageous in that it allows an ordinary homemaker, with no particular manual skills, to assemble and disassemble the central projection from the base, as needed, in order to quickly and easily stack two carousels together for tandem operation, or to disassemble them to separate the carousels.

Another feature of the invention makes the stacking operation very easy and simplifies the construction of the carousel. This is the feature in which the holding structure has another locking element 35 (Figure 3) like the first locking element on the base into which the bottom portion 24 of the central projection from another carousel can be locked into position to create a tandem-mounted carousel structure.

The results of this invention are decidedly advantageous as compared with the most similar prior devices shown in the '839 patent and the "Handy Spice" brochure.

Figures 3 and 4 of the '839 patent show the provision of a cup-shaped attachment member 72 which must be inserted into the hollow central post of the carousel in order to stack them as shown in Figure 4.

Similarly, the "Handy Spice" product shows an almost identical cup-shaped "mounting device" which must be inserted into the hollow central post of the "Handy Spice" carousel. This is explained in the section entitled "Double Stacking".

The supply of this extra attachment device is problematic. First, it requires additional manufacturing expense. Second, it is a part which is supplied with each carousel and, when not needed, it is a loose part which easily can become lost so that the consumer cannot mount a second unit on the first unit if he or she has lost the loose parts. Furthermore, they require additional troublesome and time consuming steps in finding the loose part, inserting it in the appropriate place, and then attaching the units together.

Thus, the invention eliminates the cost and troublesome nature of a separate attachment part needed in the prior art devices, and eliminates one or more steps from the process of mounting two units in tandem.

These advantages are neither shown nor suggested by the Humphrey reference, or any other reference, and are unobvious and patentable.

Method Claims 21 and 22 recite the operative steps described above in mounting two units in tandem, and thus are patentable for the reasons set forth in greater detail above.

Claims 13-14 and 16-20 depend from and are allowable with Claim 12.

The rejection of Claims 17 and 18 as being unpatentable over Humphrey in view of Lillelund 5,931,356 and Morrow 6,283,339 also is respectfully traversed.

Claim 17 specifies that each of the dispensing containers includes a retractable pop-up spout at the top for pouring condiments out of the container. Lillelund shows a dispenser for oil or vinegar - in other words, a cruet. The cruet has a cap over the top of a spout. The cap can be lifted to provide a variable outlet opening for the liquid. This is different from a pop-up dispenser which is completely recessed inside the container, as is shown in this patent application.

Moreover, the dispensed material is a granular solid, as recited in Claim 17, and a liquid dispenser does not suggest itself for use with a granular solid dispenser. Therefore, Claim 17 is patentable for these additional reasons.

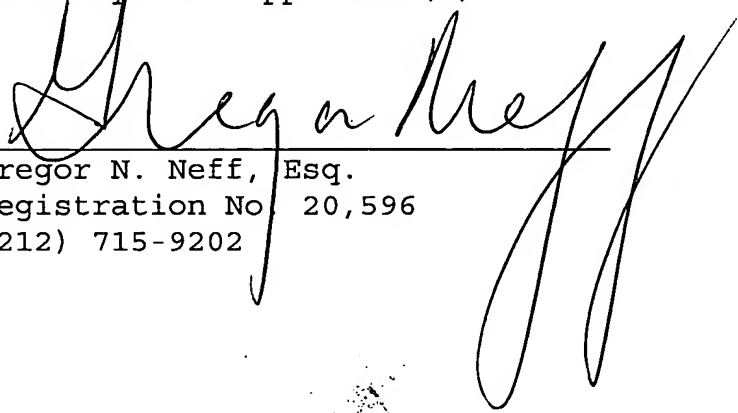
Claim 18 depends from Claim 12 and specifies that each of the containers has a rotary pre-measured quantity dispensing mechanism rotatable by twisting the lower portion of the housing of the container. There is nothing whatsoever in the Morrow patent which suggests that it is particularly usable in combination with a carousel of the type set forth in the parent Claim 12. Also, the container shown in the Morrow patent does not have the upper rim capable of use in supporting the container, as also is recited in Claim 18.

Thus, Claim 18 is patentable for these further reasons.

It is respectfully submitted that the claims have been distinguished from the cited references, and that the claims are patentable. It is respectfully requested that the application be passed to issue.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Carter W. McGuyer
Serial No. : 10/699,234
Filed : 10/31/03
For : Condiment Dispensing Container and Carousel
Group Art Unit : Cartagena, Melvin A.
Examiner : 3754

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Name of Applicant, Assignee or Registered
Representative


Signature

November 22, 2005
Date of Signature

AMENDMENT

Mail Stop Amendment
Commissioner for Patents
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Alexandria, VA 22313-1450

Sir:

Applicant hereby requests approval of a correction
being made in the drawings.

Copies of the following are enclosed:

1. Figure 3 of the original, informal drawings.
2. A copy of Figure 3 of the formal drawings previously submitted, marked in red to show the proposed changes.
3. A copy of Figure 3, as it is proposed to be corrected.

Approval of the drawing correction is respectfully requested.

Respectfully submitted,

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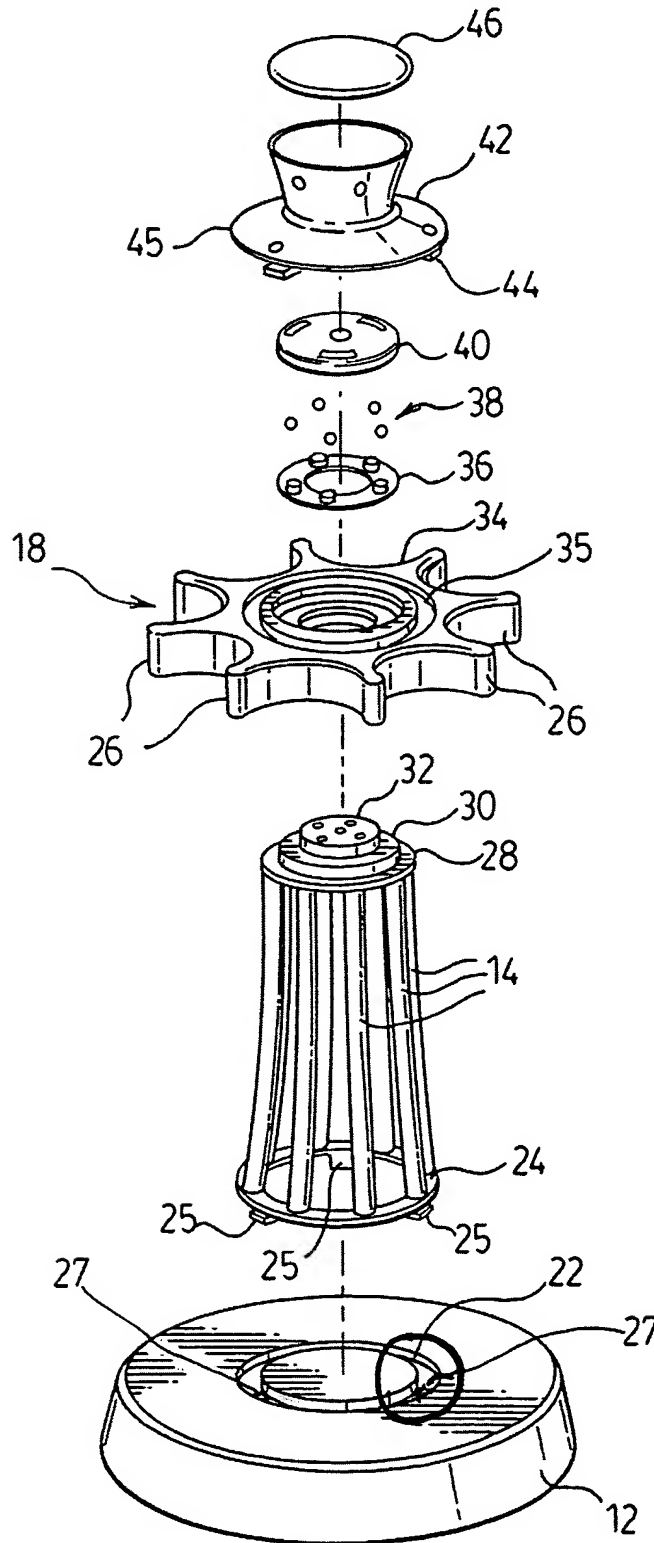


FIG. 3.